

TIMOTHY MULLEN,

Plaintiff,

v.

AMERICAN AIRLINES, INC.,

Defendant.

Civil Action No. 3-21-422

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant American Airlines, Inc. (“American Airlines”), hereby removes this action from the General Court of Justice, Superior Court Division, Mecklenburg County, State of North Carolina to the United States District Court for the Western District of North Carolina. The grounds for removal are as follows:

1. Plaintiff Timothy Mullen (“Mullen”) filed a civil action in General Court of Justice, Superior Court Division in Mecklenburg County, North Carolina entitled Timothy Mullen v. American Airlines, Inc., that was assigned Civil Action No. 21 CVS 10950 (“State Lawsuit”).

3. Copies of all process, pleadings, and orders served upon American Airlines in the State Lawsuit are attached hereto as Exhibit 1.

4. This Notice of Removal is timely filed because it is filed within thirty days of service of the initial pleading setting forth the claim for relief upon which the state court action is based. See 28 U.S.C. § 1446(b)(1).

JURISDICTION

5. This matter is a civil action over which this District Court has original jurisdiction under 28 U.S.C. § 1332 and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a).

Diversity of Citizenship

6. Mullen is a citizen of North Carolina. (See Compl. ¶ 1.)

7. American Airlines is a Delaware corporation with its principal place of business in Texas. (See Compl. ¶ 2.) Accordingly, American Airlines is a citizen of Delaware and Texas. See 28 U.S.C. § 1332(c)(1).

8. The parties are therefore diverse of citizenship as required for this Court to exercise diversity jurisdiction pursuant to 28 U.S.C. § 1332(a).

Amount in Controversy

9. Mullen alleges damages of more than \$100,000. (See Compl. at Prayer for Relief.) That sum is deemed the amount in controversy pursuant to 28 U.S.C. § 1446(c)(2). Accordingly, the amount in controversy required for this Court to exercise diversity jurisdiction pursuant to 28 U.S.C. § 1332(a) is satisfied.

PROCEDURAL MATTERS

10. Pursuant to 28 U.S.C. § 1446(a), the United States District Court for the Western District of North Carolina is the appropriate court to which to remove this action

from the General Court of Justice, Superior Court Division, Mecklenburg County, North Carolina, where the action was filed.

11. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be filed with the General Court of Justice, Superior Court Division in Mecklenburg County, North Carolina.

WHEREFORE, Defendant American Airlines respectfully requests that this action be removed to this Court and that it be placed on the docket of this Court for all further proceedings.

DATED: August 16, 2021

Respectfully submitted,

/s/ Lauren G. Goetzl

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*Attorneys for Defendant
American Airlines, Inc.*

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on this 16th day of August, 2021, she caused a true and correct copy of the foregoing Notice of Removal to be served on the following individual by electronic mail and by United States mail, postage prepaid:

Daniel Lyon, Esquire
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Attorney for Plaintiff

/s/ Lauren G. Goetzl

Lauren G. Goetzl